

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION “ “

**DARNETTE DANIELS, individually
and on behalf of her minor child, TAYLER MCCLENDON**

VERSUS

**STATE OF LOUISIANA, BOARD OF ELEMENTARY AND SECONDARY
EDUCATION, ORLEANS PARISH SCHOOL BOARD, NEW BEGINNINGS SCHOOLS
FOUNDATION, and TENSQUARE, LLC**

PETITION FOR DAMAGES;

NOW INTO COURT, through undersigned counsel, comes Plaintiff **DARNETTE DANIELS**, a person of the full age of majority and domiciled in the Parish of Orleans, State of Louisiana, **appearing individually and on behalf of her minor child, TAYLER MCCLENDON**, to bring this Petition for Damages against Defendants, as follows:

PARTIES

1.

Plaintiff is **DARNETTE DANIELS** a person of the full age of majority and domiciled in the Parish of Orleans, State of Louisiana. She is the biological mother and legal guardian of **TAYLER MCCLENDON**.

2.

Defendant **STATE OF LOUISIANA, BOARD OF ELEMENTARY AND SECONDARY EDUCATION (hereinafter called “BESE”)** is an administrative body for all Louisiana public elementary and secondary schools in the State of Louisiana.

3.

Defendant **ORLEANS PARISH SCHOOL BOARD (hereinafter called “OPSB”)** is a political subdivision of the State of Louisiana with its principal place of business in New Orleans, Louisiana. It oversees the charter of Defendant **NEW BEGINNINGS SCHOOLS** to operates John F. Kennedy High School.

4.

Defendant **NEW BEGINNINGS SCHOOLS FOUNDATION (hereinafter called “NEW BEGINNINGS”)** is a Louisiana Corporation with the capacity to sue and be sued. It is the charter network that operates John F. Kennedy High School.

5.

Defendant **TENSQUARE, LLC. (hereinafter called “TENSQUARE”)** is a foreign corporation licensed to do and doing business in the State of Louisiana. It is a Washington D.C.-based consulting company hired by Defendant **NEW BEGINNINGS SCHOOLS FOUNDATION** to manage the network.

6.

As a result of the combined acts of negligence and/or intentional acts of the Defedants, the Plaintiffs have suffered and will continue to suffer damages.

VENUE

7.

Orleans Parish is the proper venue to bring this action pursuant to La. Rev. Statute Section 22:1269B because the events which serve as the basis of this lawsuit occurred in Orleans Parish.

8.

Orleans is a proper venue for this matter pursuant to a. La. C.C.P. Art. 74 because it is the parish where wrongful conduct occurred or where damages were sustained.

JURISDICTION

9.

The action is within the jurisdiction of the Court and Orleans Parish has jurisdiction over the subject matter of this lawsuit pursuant to La. C.C.P. Art. 42, 73, and 74. Each of the defendants contributed to Plaintiffs’ damages.

10.

The damages sought by the Plaintiffs and the putative class of persons similarly situated exceeds the minimum jurisdictional limits of this Court, exclusive of interest and costs.

FACTUAL BACKGROUND/CLAIMS

11.

In March 2019, news reporter David Hammer broke a story regarding students’ grades being changed at John F. Kennedy High School (hereinafter called “Kennedy”) in New Orleans,

Louisiana. The grade fixing allegations surfaced after Runnell King, a former data director, alleged he was wrongfully terminated for alerting the board that employees at Kennedy had manually changed grades for several students who took former-Kennedy teacher Gloria Love's Algebra III class. King accused employees of changing F's to D's and D's to C's on the students' records. Love had left her position before the allegations were made public. After the initial news report, more allegations came up when seniors who thought they were graduating learned they couldn't because of falsely inflated grades.

12.

On April 1, 2019, Defendant **NEW BEGINNINGS** suspended CEO Michelle Blouin-Williams with pay and empowered Board President Raphael Gang to hire an educational management service. He entered into a contract with consulting group Defendant **TENSQUARE** on April 11, 2019. **NEW BEGINNINGS** also hired investigators with the law firm Adams and Reese to look into the allegations about grade-changing and a questionable bus contract.

13.

In mid-April, Defendant **NEW BEGINNINGS'** administrator Lauren Coleman told Defendant **TENSQUARE'**s staff that the network's internal deadline for a graduate list was May 3, 2019. In an April 26, 2019 email, Meghan Turner (employee of **TENSQUARE**) told Brian Gibson (employee of **NEW BEGINNINGS**) the team still needed information. "As you can see below, we are missing several reports needed to identify seniors' graduation status and incomplete items." Brian Gibson then forwarded the email to his team at Kennedy. "Guys please give me an update on your parts of this. I need this behind us."¹

¹ It is noteworthy that Brian Gibson had been suspended while an assistant principal at Landry-Walker High School after a separate cheating scandal in 2016 before moving on to coach basketball at Southern University in New Orleans. He started as principal of Kennedy in the 2018-2019 school year.

Fwd: Next Steps for Senior Graduation Project

Friday, April 26, 2019 at 3:24:11 PM Central Daylight Time

email: "brian.gibson@newbeginningsnola.net Brian Gibson"
 To: email: "nicole.cooper@newbeginningsnola.net Kennedy", email: "taishaowpayne@gmail.com Taisha Williams-Payne", email: "lauren.coleman@newbeginningsnola.net", email: "lisa.knight@newbeginningsnola.net Lisa Knight", email: "lisa.hagan@newbeginningsnola.net Lisa Hagan"

Guys plz give me an update on your parts of this. I need this behind us.

Sent from my iPhone

Begin forwarded message:

From: Meghan Turner <meghan@thetensquaregroup.com>
 Date: April 26, 2019 at 12:59:55 PM CDT
 To: Brian Gibson <brian.gibson@newbeginningsnola.net>
 Cc: Andrew Touchette <andrew@thetensquaregroup.com>
 Subject: Fwd: Next Steps for Senior Graduation Project

Hi Mr. Gibson,

I am sharing an update of Senior Graduation Project. As you can see below, we are missing several reports needed to identify Seniors' graduation status and incomplete items.

Best,

----- Forwarded message -----

From: Meghan Turner <meghan@thetensquaregroup.com>
 Date: Fri, Apr 26, 2019 at 12:55 PM
 Subject: Re: Next Steps for Senior Graduation Project
 To: Rachel Banks <rachel.banks@newbeginningsnola.net>, Roderick Matthews <roderick.matthews@newbeginningsnola.net>, Lauren Coleman <lauren.coleman@newbeginningsnola.net>, Kimberly Owens <kimberly.owens@newbeginningsnola.net>, Lisa Knight <lisa.knight@newbeginningsnola.net>

Hi Team,

Thank you for sending of the requested items. We are still missing several items. Please see the listing below.

Thanks,

<https://discovery.google.com/discovery/u/0/DisplayMessage?hl=en&sim=14395376.11000152.11.0.0000000000000000&at=A0D7oapDRN29727b35fthwzawYmXLzXCcSSyrl1Q6t0BwksAgWZS-0jR2bKjKpoc3ZMa9S...> 1/4

14.

In early May 2019, one month after the board hired Defendant **TENSQUARE**, Meghan Turner (employee of **TENSQUARE**) and Laney French (employee of **TENSQUARE**) identified nine distinct issues at Kennedy that had to be dealt with in order for seniors to graduate. On the same day, May 8, 2019, Kennedy Assistant Principal Nicole Cooper sent an all-staff email at 1:32pm titled "URGENT: Senior teachers – grade verification sheets needed by 2 pm."

15.

In a lengthy email, Meghan Turner laid out the problems. The school would need to address students with failing grades and others who had incorrect coding for their classes. Some students' transcripts failed to note they had previously made up coursework in Kennedy's remedial program, GradPoint. Others were still actively making up course work. Some students who transferred to Kennedy mid-way through high school had incomplete transcripts. Other students lacked final grades from previous semesters or were waiting on final grades in the spring semester. Some were waiting for results from end-of-course exams. Students are required to pass three end-of-course exams to graduate in Louisiana. They must pass English, Math and either Social Studies or Science. Internal emails indicate that there was confusion regarding who would serve as testing coordinator and have the difficult task of talking to seniors about their test

scores. Additionally, some students had exceeded the state's absence limit. Internal emails indicate that Kennedy's policies on makeup seat time were unclear.

16.

On May 9, 2019, one week before graduation, Kathy Padian, a TENSQUARE Partner who opened the company's New Orleans office in 2015, emailed Brian Gibson to explain how senior certification was progressing. "Due to the sudden departure of your counselor and her apparent lack of completion of many tasks prior to leaving, I asked Meghan and later Delaney French to assist" in certifying seniors for graduation, Padian wrote. "We have concerns about the lack of data for many students and even though we are very late in the game, with graduation happening next week, we must do everything possible to confirm which students have and have not met the requirements." That day, Brian Gibson asked the team to focus on transcripts and graduation eligibility for the top 15 students.

17.

On May 14, 2019, three days before graduation, Laney French said 95 seniors were eligible to graduate, 30 had not met requirements, and she had 50 left to verify."

18.

On May 16, 2019, a contractor reviewing Kennedy's student transcripts sent an email to administrators at the Defendant **NEW BEGINNINGS** including lists of 15 "pending" graduates and 12 "non-grads." It said, "Please tell me asap if I am wrong about any student's status," wrote Laney French (employee of **TENSQUARE**).

19.

That email, obtained by The Lens through state public records law, is one of dozens that show how administrators and contractors at the charter network scrambled to audit seniors' graduation eligibility in the weeks leading up to- and even after- the school's May 17, 2019 graduation ceremony, which amounted to a complete farce for many graduates. The emails also show rising Defendant **NEW BEGINNINGS'** employees and Defendant **TENSQUARE's** employees as the contractors discovered more and more problems.

20.

The task, dubbed "Senior Graduation Project," was a multi-faceted audit that required reviewing grades, attendance, transcripts and state exam scores among other things. The 690-student school had 168 seniors in the official state count taken on February 1, 2019. These are

necessary steps to determine a student's graduation eligibility, though many steps, like tallying credits from freshman, sophomore and junior years, can happen earlier.

21.

To add to the problems facing Kennedy, the high school's counselor resigned with two weeks to go in the school year, and contractors found multiple problems throughout students' records. In some instances, students had received two credits for a one-credit course. In other instances, there were wrongful acts of grade-inflation where administrators were accused of improperly changing some students grades from failing to passing. In other instances, students who were encouraged to take online classes in a program called "grad point" were not properly supervised by certified teachers, which resulted in no credit being applied for the work.

22.

Piling onto the problems, in the aftermath of these discoveries, the CEO Blouin-Williams and five administrators "resigned."

23.

In the days leading up to the graduation ceremony, seniors and their parents were advised that most of the class would not be receiving diplomas at graduation because they had credits to make up. At the "graduation ceremony" held on May 17, 2019, the school's blue-and-gold graduation program lists 155 names under the heading "John F. Kennedy High School Class of 2019." Then-principal Brian Gibson advised that students were not going to be issued diplomas; instead, they were advised that their diplomas could be picked up at the school the following Monday. At 9 p.m. that night, six hours after graduation, a contract employee told Brian Gibson diplomas could not be issued on Monday. "No diplomas will be issued until everything is verified and resolved," she wrote. On graduation day, emails show that determinations of ineligibility to graduate were still occurring.

Re: [REDACTED]

email: "laneyfrench@gmail.com Laney French"

Friday, May 17, 2019 at 1:40:16 PM Central Daylight Time

To: email: "roderick.matthews@newbeginningsnola.net Roderick Matthews"

Cc: email: "ashlei.delarge@nbsfnola.com Ashlei DeLarge", email: "brian.gibson@newbeginningsnola.net Brian Gibson", email: "lauren.coleman@newbeginningsnola.net Lauren Coleman", email: "lisa.hagan@newbeginningsnola.net Lisa Knight", email: "nicole.cooper@newbeginningsnola.net Nicole Cooper", email: "taisha.payne@newbeginningsnola.net Taisha Payne", email: "meghan@thetensquaregroup.com Meghan Turner"

Hi Everyone,

I checked on this as well, and can confirm what Devon is saying. She received the following in 2016-2017 from Lake Area:

-1.0 credit in English III from Lindsey Hutchins

-1.0 credit in Biology from C. Greer

-1.0 credit in Geometry from Wanda Johnson

-1.0 credit in Algebra I from Monique Scott, whose final comment is: "Student needs to attend EOC Tutoring on Tuesdays and Thursdays at 4pm to 6pm."

Is it possible to confirm this with grade verifications from 2016-2017?

It looks like she received credit for English II and US History from [REDACTED]. I haven't had a chance to put her full transcript in from [REDACTED] which gives her the US history credit.

I know this isn't welcome news. I wish it were different.

-Laney

On Fri, May 17, 2019 at 12:49 PM Roderick Matthews <roderick.matthews@newbeginningsnola.net> wrote:

After researching [REDACTED] grades for English III in Mrs. Hutchins gradebook and calling [REDACTED] I have confirmed that she took the course with us and is required to take EOC in order to graduate.

Roderick "Devon" Matthews
Director of IT6026 Paris Ave
New Orleans, LA 70122
Phone: 504-758-4445 | Fax: 504-290-2312
roderick.matthews@nbsfnola.com | nbsfnola.comhttps://discovery.google.com/discovery/u/0/Display/Message?hl=en&id=14395376.11000152.11.0.0000000000000000&ac=ACD7onqOn2BKRfLall3k18r_gR5T7q2FWS7qD3_5XNeeRyF24o9Vp826SleNO94jFo_vkG3pe... 1/2

The foregoing email shows that one hour and twenty minutes before the graduation ceremony, the school staff were emailing back and forth about a student who was missing an English III end-of-course test.

24.

Three hours before graduation, Assistant Principal Nicole Cooper wrote to Lacy French (employee of TENSQUARE) about her concern over how the valedictorian and salutatorian's grade point averages were calculated. "I don't know what to advise," French replied. "Historical grade data is riddled with errors that might be affecting the GPA but I can't be certain because this is not something I've dealt with before." French advised waiting until the audit was complete but acknowledged that couldn't be achieved by 3 pm when the graduation ceremony began."

25.

On May 18, 2019, Brian Gibson (former Kennedy Principal) wrote to contractors asking why administrators had lost access to PowerSchool, Kennedy's online gradebook. The records obtained by The Lens did not explain why employees were cut off from the platform.

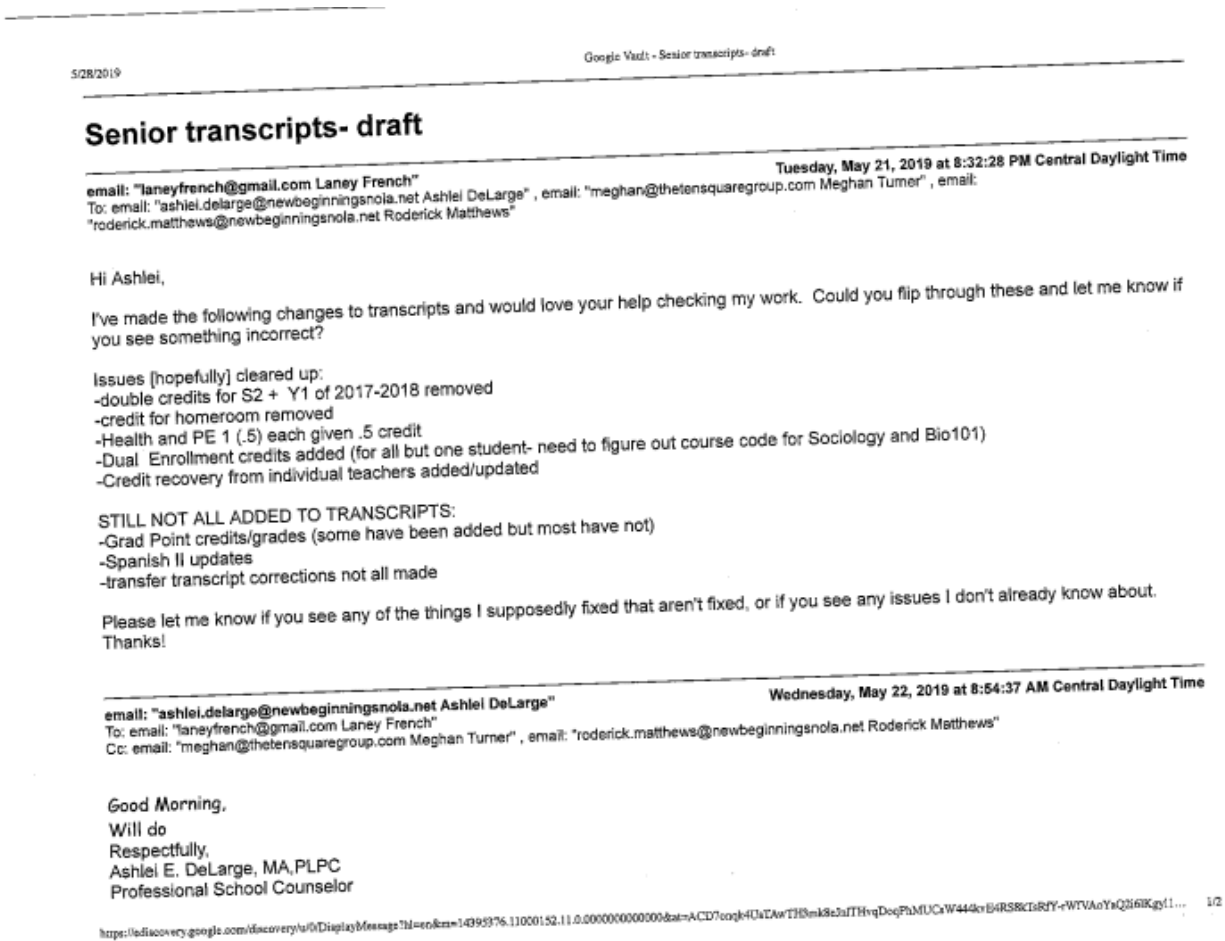
26.

Students had been told to pick up diplomas from Kennedy on May 20, 2019, the Monday after graduation. But that date kept getting pushed back. Diplomas were not issued the week of May 20 or the week after that. At a NEW BEGINNINGS Board Meeting, students and parents

were begging for diplomas, transcripts and information. At the meeting, Board President Raphael Gang said the group was working as hard as it could.

27.

On May 21, 2019, Kennedy had still not cleared up the status and confusion over GradPoint credits, transfer transcript corrections and updates on class credits for Spanish courses.



In an email that day, French wrote, “There are massive inconsistencies with grades and attendance.”

28.

On May 22, 2019, Turner asked for a list of students who needed summer remediation or to make up end-of-course tests.

29.

On June 28, 2019, for the first time since allegations of grade tampering at Kennedy, the Orleans Parish School Board Superintendent addressed students and parents about the situation saying: “First and foremost, on behalf of this District, I would like to apologize due to the careless and reckless actions of adults they trusted at John F. Kennedy. You were undeserved and misled.

You should be celebrating your senior graduation this month, but instead you have been forced to question the certainty of your future.”

30.

Plaintiff **TAYLER MCCLENDON** was recruited to transfer from Slidell High to John F. Kennedy in her junior year. She and her mother were advised that she could take online classes through GradPoint and graduate in May 2019 – a year early. Relying upon this representation, Plaintiff **TAYLER MCCLENDON** transferred to Kennedy. She worked diligently many nights until midnight taking online classes from the comfort of her home. Her plan was to graduate in May 2019 from Kennedy and to enroll in a full-time program at Aveda to become a licensed hair stylist. Believing that she was graduating, she toured Aveda, completed the applications including applications for enrollment and financial aid applications. Her applications were just missing her diploma and transcript. Her Aveda classes were scheduled to begin on June 19, 2019.

31.

Two days before graduation, Plaintiff **TAYLOR MCCLENDON** and her mother Plaintiff **DARNETTE DANIELS**, were advised that none of the credits that Plaintiff **TAYLOR MCCLENDON** had completed online would be recognized because they were not performed in the presence of a certified teacher. Prior to this disclosure, Plaintiff **TAYLOR MCCLENDON** had never been advised that the online classes needed to be performed in the classroom in front of a certified teacher. All of her hard work, all of her sacrifice, had been performed for nothing. Her transfer to Kennedy had been performed in vain.

32.

In anticipation of graduation, Plaintiff **TAYLOR MCCLENDON's** family members travelled to New Orleans from other states. The entire family had joyfully anticipated her graduation. She had participated in all of the things seniors enjoy, *i.e. senior pictures.. senior rings.. senior prom.. and, yes, she walked the stage in a “graduation ceremony.”* People gave her graduation presents and congratulatory words of encouragement. And, then in the weeks after graduation, Plaintiff **TAYLOR MCCLENDON** was advised that she needed to attend summer school and needed to return to school in August to complete her senior year because she could not make up all of the credits in one summer. Indeed, she had not graduated at all.

33.

Plaintiff **TAYLOR MCCLENDON** has suffered extreme anxiety, depression, emotional distress, financial losses, loss of enjoyment of life, loss of an opportunity for higher education, and other damages to be shown at trial. She has been forever robbed of favorable memory celebrating her achievement as a high school graduate. There will always be a stain on her high school transcript that she must explain to educational institutions and future employers.

34.

Upon information and belief, other students were allowed to take a test to make up ten (10) days of class.

35.

Plaintiffs assert that the Defendants engaged in a series of fraudulent misrepresentations and fraudulent concealments that caused them damages. All Defendants are responsible for the conduct of their employees under the legal theory of *respondeat superior*.

36.

Plaintiffs assert that the Defendants' gross mismanagement of Kennedy High School including inability to maintain staff and teachers; overuse of substitute teachers; financial mismanagement; falsification of contracts that affect school operations; gross negligence in not knowing policies and practices of the Louisiana Department of Education regarding successful matriculation from high school – policies and procedures that competent administrators and teachers should have known; gross negligence in providing students with information regarding graduation credits and GradPoint that caused them to fail; and other acts of negligence to be proven at trial.

37.

Defendants had a duty to warn Plaintiff and a putative class of persons similarly situated of the potential that they would not graduate long before the eve of graduation. Excessive absences should have been tracked by school administrators and parents should have been notified that students were on the verge of jeopardizing graduation due to missed days.

38.

The Defendants have breached a fiduciary duty owed to its students.

39.

Plaintiffs and a putative class of persons similarly situated reasonably and in good faith relied upon the aforementioned false and fraudulent representations, omissions, and concealments made by the Defendants regarding the successful matriculation of students through senior year toward graduation at Kennedy.

40.

Defendants have engaged in a pattern of wrongful conduct, independently and/or collectively, and are liable for the resultant damages. Their conduct also constitutes a continuing tort.

DAMAGES

41.

Plaintiff and a putative class of persons similar situated seeks damages as follows:

- a) All past, present and future costs and/or expenses of senior year, including senior budgets, senior rings, senior photographs, graduation parties, and other senior year and graduation related expenditures;
- b) All past, present and future mental suffering and emotional distress;
- c) All past, present and future loss of enjoyment of life;
- d) All past, present and future deprivation of college placement and scholarship opportunities;
- e) All past, present and future deprivation of technical school placement and scholarship opportunities;
- f) Loss of quality of life;
- g) Damage to reputation;
- h) All other forms of relief provided by law or equity together with interest from the date of judicial demand until paid, and costs of these proceedings.

CLASS ALLEGATIONS

42.

Plaintiffs aver that, upon information and belief, there are additional parents of seniors and seniors of the Kennedy Class of 2019, similarly situated to them and having common claims against the Defendants. Upon discovery, if this is the case, Plaintiff is entitled to maintain this action as a class action pursuant to La. C.C.P. art. 591, with the following class definition:

“Any and all parents of seniors and seniors of the John F Kennedy Class of 2019, who claim to have suffered economic losses, emotional distress, loss of opportunity, loss of quality of life, and other damages, as a direct and proximate result of the negligent and/or intentional acts of Defendants.”

43.

If, upon discovery, this action is sought to be certified to proceed as a class action, Plaintiffs will prove that class members are over 100 persons such that joinder is impracticable; there are questions of fact and law that are common to all class member; common issues predominate over individual issues; named plaintiff will fairly and adequately protect the interests of the proposed class; the undersigned attorneys are experienced in the prosecution of class actions and will adequately represent the interests of the class; Plaintiffs and their counsel are aware of no conflicts of interests between them and similarly situated individuals. Plaintiffs have, or can acquire, adequate financial resources to assure that the interests of the potential class will not be harmed. Plaintiffs are knowledgeable concerning the subject matter of this action and will assist counsel in the prosecution of this litigation. And, prosecution of separate actions by individual plaintiffs rather than as a class as proposed would create significant risks of inconsistent or varying judgments.

JURY TRIAL DEMAND

44.

Plaintiffs and a putative class of similarly situated persons seeks a trial by jury as to all issues set forth herein.

WHEREFORE, Plaintiffs pray that the Defendants be served and commanded to answer this lawsuit, and that after all due proceedings are held, that there be judgment rendered herein against the Defendants for general damages, special damages, and for any costs expended herein, and for pre-judgment interest from the date of Plaintiffs’ filing of this lawsuit, and for all other relief both at law and at equity, to which Plaintiffs show themselves and the putative class to be justly entitled to receive from Defendants.

RESPECTFULLY SUBMITTED BY:

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PLEASE SERVE:

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Through its chairman of
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